

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

THE STATE OF NEW YORK,

Plaintiff,

-vs-

SOLVENT CHEMICAL COMPANY, INC., and
ICC INDUSTRIES, INC.,

83-CV-1401-JTC

Defendants/Third-Party Plaintiffs,

-vs-

OLIN CORPORATION and
E.I. du PONT de NEMOURS & COMPANY,

Third-Party Defendants.

On August 27, 2012, the Clerk of the Court entered judgment in this matter in favor of Solvent and against Du Pont and Olin with respect to (1) final allocation of equitable shares of Solvent Site "B" Zone groundwater remediation costs incurred between July 1, 2007 and December 31, 2011, and Hot Spot groundwater remediation costs incurred before January 1, 2012; and (2) declaratory judgment as to liability for and allocation of remediation costs incurred subsequent to December 31, 2011 (Item 1580).

On September 10, 2012, Olin filed a motion pursuant to Rule 62 of the Federal Rules of Civil Procedure for an order approving a supersedeas bond in an amount sufficient to secure the judgment entered against it, and staying enforcement of the judgment pending appeal to the United States Court of Appeals for the Second Circuit.

Item 1581. Upon review of the papers submitted in support, including acknowledgment of Solvent's consent to the relief requested, Olin's motion is granted.

Also on September 10, 2012, DuPont filed a motion pursuant to Fed. R. Civ. P. 59(e) (Item 1582) to alter or amend the judgment in order to reflect recalculation of allocation of "Past Future" costs incurred between July 1, 2007 and December 31, 2011, based on newly available contemporaneous data. Solvent (and Olin) shall have the opportunity to respond to this motion.

Accordingly, the following is ordered:

1. The court approves the supersedas bond submitted by Olin in the amount of \$2,463,000.
2. Pursuant to Fed. R. Civ. P. 62(d), any proceeding by Solvent to enforce the judgment against Olin entered in this action on August 27, 2012 is stayed pending a determination of Olin's appeal therefrom, such stay being effective as of the date of the entry of this order; provided, however, that Olin maintains in force and effect the bond until such time as the appeal is determined.
3. Responses, if any, to DuPont's motion to alter or amend the judgment shall be filed within ten days from the date of entry of this order. Pursuant to Fed. R. Civ. P. 62(b)(3), enforcement of the judgment against DuPont entered in this action on August 27, 2012 is stayed pending determination of DuPont's motion; provided, however, that DuPont advises the court, within the same ten-day period allowed for responses, that appropriate terms have been arranged for the opposing party's security.

So ordered.

\s\ John T. Curtin

JOHN T. CURTIN

United States District Judge

Dated: 9/13 , 2012
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